

MJR 4. DISPOSITIVE PRETRIAL AND OTHER MATTERS

(a) In accordance with 28 U.S.C. § 636(b)(1)(B) and (C), a full-time magistrate judge may, upon reference by a district judge, in a case pending before the district judge, hear, conduct such evidentiary hearings as are deemed necessary or appropriate by the magistrate judge, and submit to the referring district judge proposed findings of fact and/or a report and recommendation for the disposition of:

- (1) Applications for post-trial relief made by individuals convicted of criminal offenses;
- (2) Prisoner petitions challenging conditions of confinement;
- (3) Motions for injunctive relief (including temporary restraining orders and preliminary injunctions), for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by a defendant, to suppress evidence in a criminal case to dismiss or permit the maintenance of a class action, to dismiss for failure to state a claim upon which relief may be granted, to involuntarily dismiss an action, and for review of default judgments;
- (4) Petitions or applications for judicial review of administrative determinations;
- (5) Hearings to determine mental competency pursuant to 18 U.S.C. §§ 4241 et seq. in felony cases;
- (6) Petitions to enforce compliance with a summons issued by the Internal Revenue Service, pursuant to 26 U.S.C. §§ 7402(b) and 7604(a); or proceedings to quash such summonses, pursuant to § 7609.

(b) In considering prisoner applications for post-trial relief under paragraph (a)(1), the magistrate judges may perform all the duties imposed on a judge in the Rules governing § 2254 and § 2255 proceedings. In so doing, a magistrate judge may issue any preliminary orders, and conduct any necessary evidentiary hearing or other appropriate proceeding. Any order disposing of the petition may only be made by a district judge.

(c) After the magistrate judge's proposed findings, recommendations or report have been filed, further proceedings before the district judge shall be governed by Fed.R.Civ.P. 72(b) in a civil case, or by Local Rule MJR 12(c) in a criminal case.

[Effective May 1, 1992; amended effective July 1, 1997.]